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Attorneys for Defendant Wayne Weaver

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JAMMIN' JAVA CORP., dba
MARLEY COFFEE, SHANE G.
WHITTLE, WAYNE S. P. WEAVER,
MICHAEL K. SUN, RENE
BERLINGER, STEPHEN B.
WHEATLEY, KEVIN P. MILLER,
MOHAMMED A. AL-BARWANI,
ALEXANDER J. HUNTER, and
THOMAS E. HUNTER,

Defendants.

Case No. 2:15-cv-08921 SVW (MRWx)

Hon. Stephen V. Wilson

**JOINT REQUEST TO EXTEND TIME
TO RESPOND TO COMPLAINT**

*([Proposed] Order and
Declaration of Margaret E. Dayton
Filed Concurrently)*

Complaint Filed: Nov. 17, 2015
Mot. to Dismiss Denied: Jul. 21, 2016
Current Response Date: Aug. 4, 2016
New Response Date: Aug. 24, 2016

Trial Date: April 25, 2017

1 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:
2 Plaintiff Securities and Exchange Commission (the “SEC”) and Defendant
3 Wayne Weaver, by and through their respective counsel of record, hereby request as
4 follows:

5 WHEREAS, the parties received notice that the Court denied Weaver’s
6 Motion to Dismiss on July 21, 2016 (Doc. No. 118);

7 WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(4), Weaver must answer the
8 Complaint on or before August 4, 2016;

9 WHEREAS, the parties received notice that the Court granted Defendants
10 Sun, Miller, and Al-Barwani’s Motions to Dismiss on July 21, 2016 (Doc. No. 118);

11 WHEREAS, the Court ordered the SEC file its Amended Complaint on or
12 before August 10, 2016 (Doc. No. 118);

13 WHEREAS, the SEC intends to file an Amended Complaint on or before
14 August 10, 2016 (Declaration of Margaret E. Dayton ¶ 2);

15 WHEREAS, pursuant to Fed. R. Civ. P. 15, Weaver must answer or otherwise
16 respond to the Amended Complaint on or before August 24, 2016;

17 WHEREAS, therefore, the Amended Complaint will become the operative
18 pleading in this case only 6 days after Weaver’s Answer to the Initial Complaint is
19 due and Weaver must file an answer or otherwise respond to the Amended
20 Complaint only 20 days after his Answer to the Initial Complaint is due;

21

22 NOW THEREFORE, the SEC and Weaver respectfully request that the Court
23 enter an order extending Weaver’s time to answer the Complaint until August 24,
24 2016, so that Weaver may respond only to the SEC’s Amended Complaint.

25

26 SO STIPULATED:

27

28

1 DATED: July 29, 2016
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3
4

/s/ Marc S. Harris

Marc S. Harris

Margaret E. Dayton

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Counsel for Defendant Wayne Weaver

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13 DATED: July 29, 2016
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16

/s/ Timothy S. Leiman

Timothy S. Leiman

U.S. Securities and Exchange Commission

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Exchange Commission*